Docket No. A015/US CON2

IN RE U.S. PATENT APPLICATION
SERIAL NUMBER 10/015,832

TRANSMITTAL COVER LETTER FOR FACSIMILE TRANSMISSION

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Attention: Examiner Phillip Gambel
Group Art Unit: 1644
Confirmation No.: 1235

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Docket No.: A015/US CON2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner	:	Phillip Gambel
Group Art Unit	:	1644
Applicants	:	Susan L. Kalled et al.
Application No.	:	10/015,832 Confirmation No.: 1235
Filed	:	December 12, 2001
For	:	METHOD OF THERAPEUTIC ADMINISTRATION OF ANTI-CD40L COMPOUNDS

New York, New York
April 8, 2004

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

TRANSMITTAL LETTER

Sir:

Transmitted herewith: [X] Response to Restriction Requirement; to be filed in the above-identified patent application.

The Director is hereby authorized to charge any additional fee due, or credit any overpayment, in connection with this Letter, to Deposit Account No. 06-1075. A duplicate copy of this Letter is enclosed herewith.

Respectfully submitted,

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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This responds to the March 10, 2004 Office Action - Restriction Requirement, issued in the above-identified application.

The Examiner has required restriction of the claims of this application under 35 U.S.C. § 121 into one of the following three groups:

I. Claims 1-17, drawn to methods of treating an antibody-related disease, an autoimmune disease or a chronic immune system disorder inflammation with CD40L-specific compounds, classified in Class 424, subclass 130.1.

II. Claims 18-23, drawn to methods of inhibiting transplant rejection with CD40L-specific compounds, classified in Class 424, subclass 130.1.

III. Claim 24, drawn to methods of suppressing an immune reaction to a transgene product with CD40L-specific compounds, classified in Class 424, subclass 130.1.

The Examiner contends that "[i]nventions I, II, and III are different methods which require different ingredients, process steps and endpoints. Therefore, they are patentably distinct."

Applicants elect, with traverse, the Group I claims (claims 1-17), drawn to methods of treating an antibody-related disease, an autoimmune disease or a chronic immune system disorder inflammation with CD40L-specific compounds. Applicants make this election of the Group I claims expressly without waiver of their right to file divisional or continuing applications claiming priority and benefit from this application under 35 U.S.C. § 120 and directed to the non-elected subject matter.

The Examiner further states that the application contains claims directed to the following patentably distinct species of the claimed Group I, wherein the

antibody-related disease, autoimmune disease or a chronic immune system disorder inflammation condition is:

A. SLE,
B. myasthenia gravis,
C. autoimmune hemolytic anemia,
D. ITP,
E. anti-phospholipid syndrome,
F. psoriasis,
G. allergy,
H. arthritis or
I. multiple sclerosis.

The Examiner contends that "[t]hese species are distinct because the pathological conditions differ in etiologies and therapeutic endpoints." Accordingly, the Examiner asserts that a further election of species is required, under 35 U.S.C. § 121, in the event that no generic claim is finally held to be allowable. Currently, claim 1 has been deemed generic.

Applicants elect, with traverse, the subject matter of species A - SLE (systemic lupus erythematosis). The claims reading on this species include independent claims 1, 4, 6 and 9 with respect to SLE (systemic lupus erythematosis), and dependent claims 2, 3, 5, 7, 8, 10, 11, and 13-17, to the extent that they refer back to claim 1, 4, 6 or 9, to the extent that those claims read on treatment of patients with SLE. Applicants make this election expressly without waiver of their right to file for and obtain claims directed to the non-elected subject

matter in divisional or continuing applications claiming benefit herefrom under 35 U.S.C. § 120.

Respectfully submitted,

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